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T04-0030

**STATE OF ILLINOIS
ILLINOIS COMMERCE Commission
STIPULATED AGREEMENT NO. 1062**

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as "Commission", the Norfolk Southern Railway Company, hereinafter referred to as "Company", Bement Township and Cerro Gordo Township, hereinafter referred to as the "Township(s)", and the State of Illinois, Department of Transportation, hereinafter referred to as the "Department".

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through informal correspondence, that inquiry should be made into the matter of improving public safety at the crossings of the Company's track with a public highways known as 750E/TR60 in Bement Township, and 400E/TR28, 300E/TR20, and 200E/TR14, all in Cerro Gordo Township, all located in Piatt County, Illinois, designated as crossings AAR/DOT 479 156A, milepost 356.67-WA, AAR/DOT 479 160P, milepost 360.27-WA, AAR/DOT 479 162D, milepost 361.34-WA, and AAR/DOT 479 164S, milepost 362.34-WA, respectively; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a diagnostic team, including a member of the Commission's Transportation Division, Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and all other pertinent data relating to the crossing have been obtained and shown on Exhibits A-1 through A-4, attached to the Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund ("Fund") of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and

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procedures in general.

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossings should be as follows:

(I) 750E/TR60/DOT 479 156A

- (a) The installation of automatic flashing light signals and gates controlled by constant warning time circuitry.
- (b) The repair of the existing crossing surfaces, including raising the north track to the same elevation as the south track, the repair of split and loose timbers, and the leveling of the asphalt between the two track surfaces, all in order to comply with requirements of 92 Illinois Administrative Code, Part 1535.203.
- (c) The reconstruction of the highway approaches, in order to comply with requirements of 92 Illinois Administrative Code, Part 1535.204, and as depicted on the proposed plan in Exhibit C-1.
- (d) The installation of temporary STOP signs (if ordered) at the 750E/TR60 crossing within 30 days of receipt of a Commission Order for the installation of new automatic warning devices.

(II) 400E/TR28/DOT 479 160P

- (a) The installation of automatic flashing light signals and gates controlled by constant warning time circuitry.
- (b) The reconstruction of the highway approaches, in order to comply with requirements of 92 Illinois Administrative Code, Part 1535.204, and as depicted on the proposed plan in Exhibit C-2.
- (c) The installation of a railroad advanced warning sign on the south approach in order to comply with requirements of 92 Illinois Administrative Code, Part 1535.310.
- (d) The installation of temporary STOP signs (if ordered) at the 400E/TR28 crossing within 30 days of receipt of a Commission Order for the installation of new automatic warning devices.

(III) 300E/TR20/DOT 479 162D

- (a) The installation of automatic flashing light signals and gates controlled by constant warning time circuitry.
- (b) The reconstruction of the highway approaches, in order to comply with

requirements of 92 Illinois Administrative Code, Part 1535.204, and as depicted on the proposed plan in Exhibit C-3.

- (d) The installation of temporary STOP signs (if ordered) at the 300E/TR20 crossing within 30 days of receipt of a Commission Order for the installation of new automatic warning devices.

(IV) 200E/TR14/DOT 479 164S

- (a) The installation of automatic flashing light signals and gates controlled by constant warning time circuitry.
- (b) The removal of trees and brush on Company right of way for a distance of 500 feet on the northwest and southwest quadrants of the subject railroad crossing in order to comply with 92 Illinois Administrative Code, Part 1535.205.
- (c) The patching of the existing crossing surface in order to comply with the requirements of 92 Illinois Administrative Code, Part 1535.203.
- (d) The reconstruction of the highway approaches, in order to comply with requirements of 92 Illinois Administrative Code, Part 1535.204, and as depicted on the proposed plan in Exhibit C-4.
- (e) The installation of a railroad advanced warning sign on the north approach in order to comply with requirements of 92 Illinois Administrative Code, Part 1535.310.
- (f) The installation of temporary STOP signs (if ordered) at the 200E/TR14 crossing within 30 days of receipt of a Commission Order for the installation of new automatic warning devices.

Section 3 The Company has prepared detailed plans and estimates of cost to accomplish the proposed improvement which it may be required to perform; the estimates of cost and the general layout plans are attached hereto (Exhibits B-1 through B-4) for the approval of the Commission and the Department.

Section 4 The Townships have prepared estimates of cost and plans (attached as Exhibits C, and C-1 through C-4) to accomplish the proposed improvements, which they may be required to perform.

Section 5 The Company and the Townships shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the completion of the proposed improvements should be eighteen (18) months, from the date of Commission Order subsequent to this Agreement.

Section 6 The parties hereto agree that an equitable division of cost for the proposed improvements should be as follows:

IMPROVEMENT	EST. COST	FUND	BEMENT TWSP.	CERRO GORDO TWSP.	COMPANY
<u>750E/TR60</u> (AAR/DOT #479 156A)					
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry	\$172,500	\$155,250 ⁷	\$0	\$0	Remainder ¹
Reconstruct Existing Highway Approaches	N/A	\$0	\$10,500 ⁵	\$0	\$0
Repair Existing Crossing Surfaces per Section 2	N/A	\$0	\$0	\$0	100% ³
Install temporary STOP Signs if ordered	N/A	\$0	\$0	\$0	100% ²
<u>400E/TR28</u> (AAR/DOT#479 160P)					
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry	\$217,100	\$195,390 ⁷	\$0	\$0	Remainder ¹
Reconstruct Existing Approaches	N/A	\$0	\$0	\$16,244 ⁵	\$0
Install Railroad Advanced Warning Sign	N/A	\$0	\$0	100% ⁶	\$0
Install temporary STOP Signs if ordered	N/A	\$0	\$0	\$0	100% ²
<u>300E/TR20</u> (AAR/DOT#479 162D)					
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry	\$180,800	\$162,720 ⁷	\$0	\$0	Remainder ¹
Reconstruct Existing Highway Approaches	N/A	\$0	\$0	\$14,942 ^{5,6}	\$0
Install temporary STOP Signs if ordered	N/A	\$0	\$0	\$0	100% ²

200E/TR14 (AAR/DOT #479 164S)					
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry	\$145,500	\$130,950 ⁷	\$0	\$0	Remainder ¹
Patching the Existing Crossing Surfaces	N/A	\$0	\$0	\$0	100% ³
The Removal of Trees and Brush on Company Right-of-way, 2 quads	N/A	\$0	\$0	\$0	100% ⁴
Reconstruct Existing Highway Approaches	N/A	\$0	\$0	\$11,080 ⁵	\$0
Install Railroad Advanced Warning Sign	N/A	\$0	\$0	100% ⁶	\$0
Install temporary STOP Signs if ordered	N/A	\$0	\$0	\$0	100% ²
TOTALS - Automatic Warning Device Installations only	\$715,900	\$644,310⁷	\$10,500^{5,6}	\$42,266⁶	Remainder^{1,2,3,4}

Notes:

¹ Company responsible for all future operating and maintenance costs associated with the new automatic warning devices.

² Company responsible for all future operating and maintenance costs associated with the temporary STOP signs, if ordered.

³ Company responsible for all future operating and maintenance costs associated with the crossing surfaces.

⁴ Company responsible for all future operating and maintenance costs associated with keeping their right-of-way clear as specified in 92 Illinois Administrative Code, Part 1535.205.

⁵ Township responsible for all future maintenance costs associated with the highway approaches.

⁶ Township responsible for all future maintenance costs associated with the railroad advance warning signs.

⁷ Fund Assistance **Not to Exceed 90% of total of all crossings (\$644,310)**

Section 7 The Townships are financially able and willing to bear equitable portions of the cost for the proposed improvements as may be assigned by the Order and indicates this intent by Resolution attached as Exhibit D-1 (Bement Township), and Exhibit D-2 (Cerro Gordo Township).

Section 8 Special Provisions: Public Act 93-0604 (effective November 21, 2003), which amends 18c-7401 (Safety Requirements for Track, Facilities, and Equipment) of the Illinois Commercial Transportation Law, requires installation of temporary STOP signs whenever the Commission authorizes the installation of automatic flashing light signals and gates at public highway-rail grade crossings. The temporary STOP signs shall remain in place until the luminous flashing signal or crossing gate devices have been installed. The rail carrier is responsible for the cost of the installation and subsequent maintenance of any required temporary STOP signs.

The Company shall furnish a written statement with the Director of Processing and Information, of the Commission's Transportation Bureau, indicating that the temporary STOP signs have been installed at the subject crossings, if ordered.

Since the crossing approach reconstruction improvements at the subject crossings will be performed by the Townships, or their respective contractor crews, flagging and contractor liability insurance will be required for said work.

The Company and the Townships shall, at six (6) month intervals from the date of Commission Order subsequent to this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a written report stating the progress it has made toward completion of the work herein required. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number, facsimile number, and electronic mailing address of the Company and the Township/County employee responsible for management of the project.

All bills for expenditures authorized to be reimbursed from the Grade Crossing Protection Fund shall be submitted to the Fiscal Control Unit of the Illinois Department of Transportation's Bureau of Local Roads and Streets, Illinois Department of Transportation, Central Bureau of Local Roads and Streets, Room 205, 2300 South Dirksen Parkway, Springfield, Illinois 62764. The Department shall send a copy of all bills to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted no later than twenty-four (24) months from the date of Commission Order subsequent to this Agreement. The Department shall, at the end of the 24th month from the Commission Order date, de-obligate all residual funds accountable for installation cost for this project.

Section 9 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 5th day of January 2004.



Michael E. Stead
Rail Safety Program Administrator

Attest:



Richard A. Daniels
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1062 concerning improvements at the crossings of the Company's track with a public highways known as 750E/TR60 in Bement Township, and 400E/TR28, 300E/TR20, and 200E/TR14, all in Cerro Gordo Township, all located in Piatt County, Illinois, designated as crossings AAR/DOT 479 156A, milepost 356.67-WA, AAR/DOT 479 160P, milepost 360.27-WA, AAR/DOT 479 162D, milepost 361.34-WA, and AAR/DOT 479 164S, milepost 362.34-WA, respectively.

Executed by the Bement this 12th day of January 2004.
(Township)

BEMENT TOWNSHIP

By: Joe D. Ritterhouse
Twp. Comm.

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JAN 16 2004

Illinois Commerce Commission
RAIL SAFETY SECTION

Attest:

Nancy R. Auld
Township Clerk

Illinois Commerce Commission Stipulated Agreement No. 1062 concerning improvements at the crossings of the Company's track with a public highways known as 750E/TR60 in Bement Township, and 400E/TR28, 300E/TR20, and 200E/TR14, all in Cerro Gordo Township, all located in Piatt County, Illinois, designated as crossings AAR/DOT 479 156A, milepost 356.67-WA, AAR/DOT 479 160P, milepost 360.27-WA, AAR/DOT 479 162D, milepost 361.34-WA, and AAR/DOT 479 164S, milepost 362.34-WA, respectively.

Executed by the CERRO GORDO this 2 day of FEB 2004.
(Township)

CERRO GORDO TOWNSHIP

By: Arlon Anderson
Road Commissioner

Attest:

Mary Jorjok
Town Clerk

Illinois Commerce Commission Stipulated Agreement **1062** concerning the crossings of the Company's track with a public highways known as 750E/TR60 in Bement Township, and 400E/TR28, 300E/TR20, and 200E/TR14, all in Cerro Gordo Township, all located in Piatt County, Illinois, designated as crossings AAR/DOT 479 156A, milepost 356.67-WA, AAR/DOT 479 160P, milepost 360.27-WA, AAR/DOT 479 162D, milepost 361.34-WA, and AAR/DOT 479 164S, milepost 362.34-WA, respectively.

Executed by the Department this 27th day of February 2004.

STATE OF ILLINOIS

DEPARTMENT OF TRANSPORTATION

By: Victor A. Moderey
Director of Highways

Illinois Commerce Commission Stipulated Agreement No. 1062 concerning the crossings of the Company's track with a public highways known as 750E/TR60 in Bement Township, and 400E/TR28, 300E/TR20, and 200E/TR14, all in Cerro Gordo Township, all located in Piatt County, Illinois, designated as crossings AAR/DOT 479 156A, milepost 356.67-WA, AAR/DOT 479 160P, milepost 360.27-WA, AAR/DOT 479 162D, milepost 361.34-WA, and AAR/DOT 479 164S, milepost 362.34-WA, respectively.

Executed by the Company this 12th day of March 2004.

NORFOLK SOUTHERN RAILWAY
COMPANY

YWA

By: HR Comstock
General Manager

Attest:

[Signature]
Assistant Secretary

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT SURVEY FORM

RR/Line NS/WA Milepost 356.67 Inventory # 479 156A
 City Near Bement Street 750E/TR 60 County Piatt
 Jurisdiction Local Urban Rural X Commercial Residential
 Street Surface Oil and chip Width 12' Condition fair
 Angle 75° Tracks Tangent Yes Degree of Curve N/A Superelevation N/A
 Depth of Cut Height of Fill 6'

Crossing Surface

Track Centers	Elevation	Track	Type	Width	Condition
13.5'		Main	Timber/Asphalt	23'	Fair
		Main	Timber/Asphalt	23'	fair

Intersecting Roads <100' no <200' no

Traffic Control Devices Present: none

ADT 50 Speed 55 mph/unposted Statewide Yes

School Buses possible Hazardous Materials possible Other N/A

Rail Traffic: Ft. 51 @ 60 mph Pass. @ mph Switch 1

Simultaneous Movements: possible Daylight and Dark: Yes

Present Protection: Crossbuck signs

Advance Warning Signs Yes Pavement Marking no

Visibility Study

Quad	Clearing Visibility	Obstruction	Stopping Visibility*	Obstruction
NE	N/A		Ok now,.crops could cause problems.	Crops, seasonal
NW	N/A		Ok now,.crops could cause problems.	Crops, seasonal
SE	N/A		Ok now,.crops could cause problems.	Crops, seasonal
SW	N/A		Ok now,.crops could cause problems.	Crops, seasonal

*need 570' along highway and 704' along railroad tracks

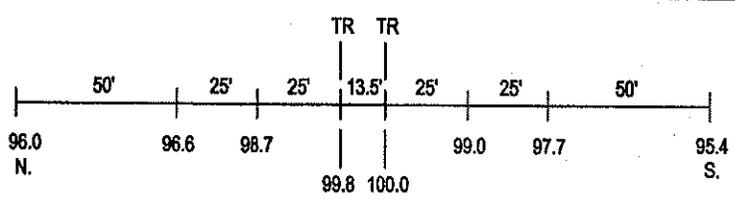
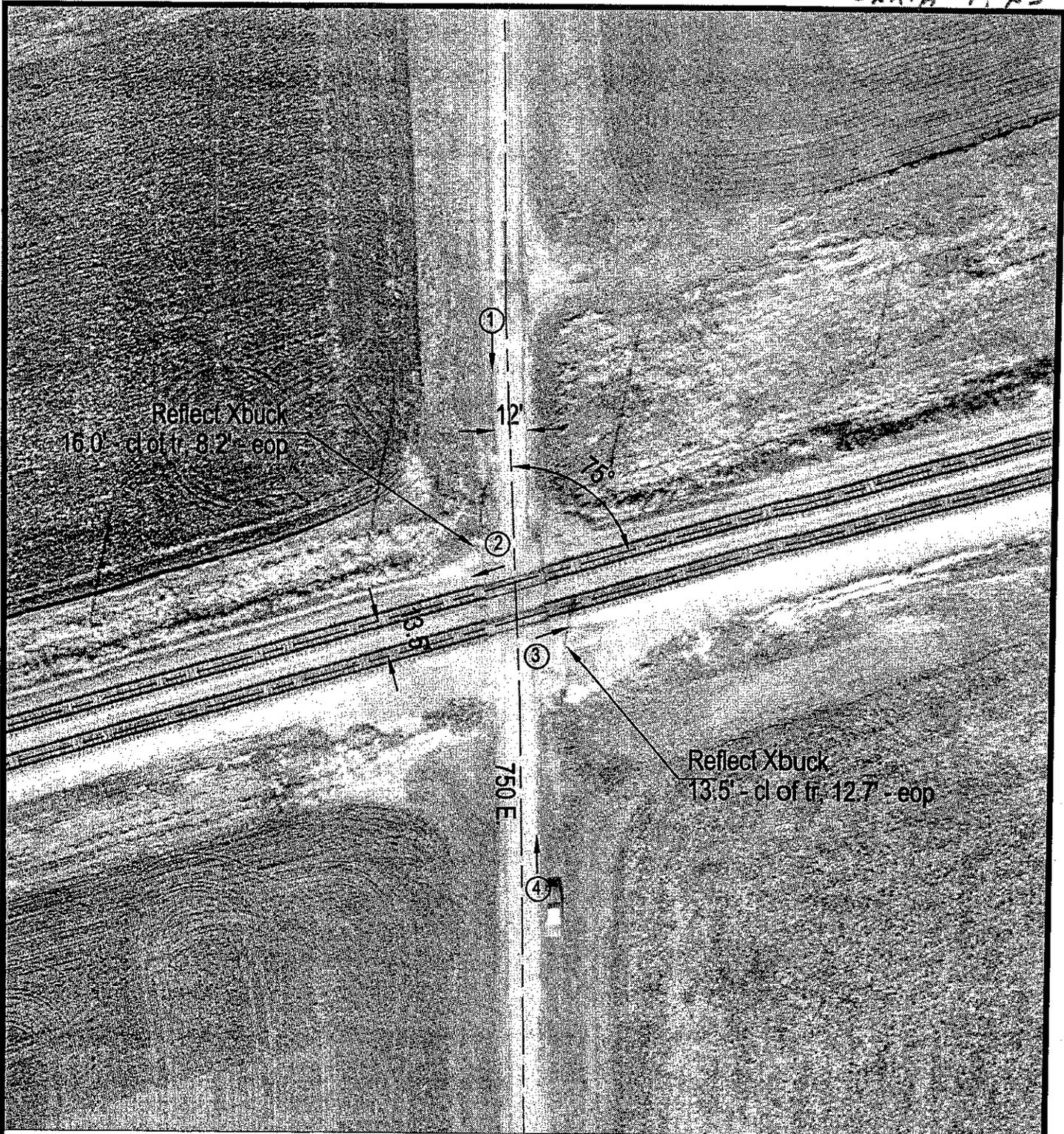
Approach Grades

north	25'	-4.4 %	50'	-8.4 %	'	%
south	25'	-4.0 %	50'	-5.2 %	'	%

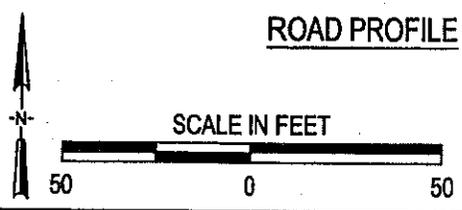
“+” grade is ascending from crossing

“-” grade is descending from crossing

Note: The railroad needs to repair the crossing surfaces in order to comply with Il Administrative Code 1535.203. The north track should be raised to level of south track (0.2'); some timbers splitting a little, and a little loose; devil strip between tracks humped up 1.5". The township needs to reconstruct the approach grades.



ROAD PROFILE



③ Photo Location

Crossing #: 479156A
 Location: Platt Co., City of Bement (N)
 Lat/Long: 39°54'59" / 88°36'11"
 Railroad: NS
 Street: 750 E.
 Railroad Milepost: 356.67
 Crossing Protection: Signs